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December 18, 2007

Hon. Kenneth M. Karas  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-1901

**MEMO ENDORSED**

BY ECF and mail

RE: United States v. Shyne, et. al., including Roberto Montgomery, 05 Cr 1067 (KMK)

Your Honor:

I am writing to seek a postponement of the surrender date for my client, which is now set for Friday, April 11, 2008.

I apologize for the short notice of this request: I was initially waiting for the sentencing minutes (which I originally ordered within a day or two of the sentencing hearing) so I could review the Court's decision on my post-verdict motion in order to prepare a renewed application for bail pending appeal. I did not get those minutes until about two days before I left for Europe on personal business, and I only returned from Europe this weekend. I do not feel I have had the time to make an application for bail pending appeal, so at this point, at least, I am asking for a postponement based on two other reasons.

The first is that my client does not seem to have been designated to a facility by the Bureau of Prisons. That may be due to the fact that the Judgment and Commitment Order was not filed until today. I would ask that my client be allowed to surrender directly to the designated facility.

Much more important, however, is the fact that my client's "common-law" wife, Melitza Ramos, is pregnant with their first child together. (See PSI, page 27, paragraphs 155 through 157). I am attaching a letter from her doctor stating that her due date (which is always an approximation) is June 11, 2008. She would very much like to have my client available to her to help with the delivery and for several weeks thereafter, and so I am asking that the surrender date be postponed until early July.

During the time since the sentencing date my client has been, as he always was, working

and continuing his obligations to support his various children. He has been in compliance with all of this terms of release.

I contacted AUSA Dan Levy before I went to Europe to ask for his consent: today he told me that his office does not consent.

Nevertheless, I respectfully ask that the Court grant a continuance of the surrender date until early July, 2008, perhaps until July 6, 2008, so that if he is designated by then he can surrender to the designated facility and have the day before (which I expect is the July 4<sup>th</sup> holiday) to travel to the facility.

Thank you for your attention to this.

Sincerely,



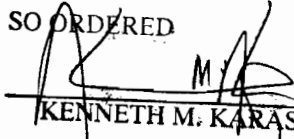
Thomas H. Nooter

Attorney for Mr. Roberto Montgomery

Enc.: Copy of letter from Ms. Ramos's doctor  
cc: AUSA Daniel Levy, by fax and ECF

Mr. Montgomery's request to delay his surrender date until July 6, 2008 is Granted. No further extensions, if sought on similar grounds to those in this letter, will be granted.

SO ORDERED



KENNETH M. KARAS U.S.D.J.

4/8/08



University Hospital and  
Manhattan Campus for  
the Albert Einstein College  
of Medicine

Department Obstetrics & Gynecology  
Beth Israel Medical Center  
Phillips Ambulatory Care Center  
10 Union Square East, Suite 2B  
New York, NY 10003  
Tel: 212 844 8530  
Fax: 212 844 8501

[www.McHeeNewYork.org](http://www.McHeeNewYork.org)

Prenatal Care Assistance Program  
Women's Health Center

Date: 01-18-08

To Whom It May Concern: \_\_\_\_\_

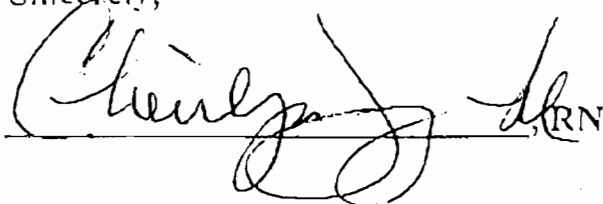
Patient's Name: RAMOS, MELITZA

Medical Record Number: 2198284

The above named patient is under the care of the prenatal clinic at  
Phillips Ambulatory Care Center of Beth Israel Medical Center, 10  
Union Square East, New York, NY 10003.

Her expected date of delivery is 06-11-08

Sincerely,



WOMEN'S HEALTH CARE CENTER  
OB/GYN 2C-2D-2E  
BETH ISRAEL MEDICAL CENTER  
PACC - 10 UNION SQUARE EAST  
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